

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re	
W.R. Grace & Co., <i>et al.</i> ,	Bankruptcy Case No. 01-01139 (JKF)
Debtors	
BNSF Railway Company,	
Appellant,	Civil Action No. 11-207 (RLB)
v.	Bankruptcy Case No. 01-01139 (JKF)
W.R. Grace & Co., <i>et al.</i> ,	
Appellees	
Libby Claimants,	
Appellants,	Civil Action No. 11-208 (RLB)
v.	Bankruptcy Case No. 01-01139 (JKF)
W.R. Grace & Co., <i>et al.</i> ,	
Appellees	Ref. No. 23 and 24

**AGREED ORDER CONSOLIDATING APPEALS
AND SETTING SCHEDULE FOR BRIEFING**

This matter having come before the Court on the Joint Motion For Entry of Agreed Order Consolidating Appeals and Setting Schedule for Briefing filed by the Libby Claimants, BNSF Railway Company, the Debtors, the Asbestos PI Committee, the Asbestos PI FCR and CNA Companies (the "Parties"), consisting of all appellants and appellees in the above-captioned appeals (the "Appeals"); both of the Appeals having been taken from the Order Pursuant to Sections 105, 363, 1107, and 1108 of the Bankruptcy Code and Rules 2002, 6004, 9014, and 9019 of the Federal Rules of Bankruptcy Procedure Approving the Settlement Agreement Between W. R. Grace & Co.

and the CNA Companies, by the Honorable Judith K. Fitzgerald, United States Bankruptcy Judge, entered on January 22, 2011 [Docket No. 26106], the Parties having agreed upon the briefing schedule contained herein and that this Order should be entered, and this Court finding good cause to grant the relief requested by the Parties, it is hereby ORDERED:

1. The Appeals shall be procedurally, but not substantively, consolidated into one action in this Court (the "Consolidated Appeal"). Civil Action No. 11-208 shall be consolidated into Civil Action No. 11-207. Civil Action No. 11-207 shall be the lead case and all subsequent filings in the Consolidated Appeal shall be made in Civil Action 11-207.

2. Pursuant to Fed. R. Bankr. P. 8009(a), the deadlines for filing briefs in the Consolidated Appeal shall be as follows:

- (a) Appellants shall file their main briefs on or before July 20, 2011;
- (b) Appellees shall file their briefs on or before August 26, 2011;
- (c) Reply briefs shall be filed on or before September 9, 2011, *provided,*

however, that no reply brief may be filed except with leave of this Court.

3. This Order supersedes the previously-established briefing schedule in the Appeals.

BY THE COURT:



RONALD L. BUCKWALTER, S.J.